

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested. No new matter has been added. Applicants submit that the claims are patentable over the cited art of record.

Claims 1-17, 19, and 20 stand rejected under § 102(e) as allegedly being anticipated by U.S. patent no. 6,023,499 (hereinafter “Mansey”).

To anticipate a claim, the reference must teach every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claim 1

The Office Action fails to show that Mansey teaches every element of the claim 1, as required by MPEP 2131. The Office Action states that “Mansey teaches a system for accessing a network comprising an access station, which links an electronic terminal via a first communication link and establishes an account based upon an identifier established by the station and transmits connection information back to the electronic device for use in a second communications link.”

Contrary to the assertion in the Office Action, claim 1 does not mention “an account based upon an identifier established by the station”. On the other hand, an operation where “said access station establishes an account based upon said identifier”, as required by claim 1, is not addressed by the Office Action. Furthermore, it is unclear where “the establishing of an account” is disclosed in Mansey figure 1.

The Claim Rejections section of the Office Action does not discuss “a second communications link [...] initiated between said electronic terminal and said service provider based upon said connection information”, as required by claim 1. In Response to Arguments, the Office Action submits that figure 1 of Mansey “clearly shows such a feature” (Detailed Action, p.

2). However, figure 1 of Mansey illustrates a single communication link for each terminal (e.g., a single communication link for each telephone 12).

Pursuant to 37 CFR 1.104(c)(2), the particular part of the reference relied on must be designated as nearly as practicable. The Office Action identifies the intelligent peripheral 14 of Mansey as corresponding to an access station of claim 1. However, the Office Action identifies neither a service provider in Mansey, nor “a second communications link between said electronic terminal and a service provider”.

The Claim Rejections section of the Office Action does not discuss a method, wherein “the service provider monitors a time of said second communications link and transmits data indicative of said time to said access station” as required by claim 1. In Response to Arguments, the Office Action states “the service provider monitors all usage of all communication links for the purposes of billing” (Detailed Action, p. 2). This is distinct from the requirement of claim 1, wherein “the service provider monitors a time of said second communications link and transmits data indicative of said time to said access station”.

Mansey fails to disclose a method, wherein “the service provider monitors a time of said second communications link and transmits data indicative of said time to said access station” as required by claim 1. The Office Action fails to identify the particular part of the reference relied on, merely stating that “the service provider monitors all usage of all communication links for the purposes of billing” (Detailed Action, p. 2). However, in Mansey, the billing server is a component of the IP 14 (Mansey, 3: 8-18). Only when the billing process is closed for a given service transaction, is the billing data sent to the billing computer system 28 (Mansey, 3: 43-46). Thus, in Mansey, it is not the service provider that monitors all usage of all communication links for the purposes of billing, but rather the IP 14. Furthermore, there is no indication in Mansey that any data indicative of the usage time is transmitted to IP 14 by the service provider, as required by claim 1.

Because not every element of claim 1 is present in Mansey, claim 1 and its dependent claims are patentable and should be allowed.

Claims 3-8

Claims 3-8 are allowable for at least the reason of being dependent on claim 1.

The Office Action fails to show that Mansey teaches every element of the claims 3-8, as required by MPEP 2131, because none of the additional limitations of claims 3-8 are addressed.

Pursuant to MPEP 707.07(d), a plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group. The Office Action fails to address the limitations of claims 3-8, which are not present in claim 1, but instead groups all of the pending claims in a common rejection (Detailed Action p. 2). Therefore, the rejection is improperly expressed pursuant to MPEP 707.07(d). The Office Action also fails to identify the particular part of the reference relied on, as required by 37 CFR 1.104(c)(2), to reject claims 3-8, even though each claim of claims 3 through 8 has at least one additional limitation not present in claim 1. Thus, the Office Action fails to meet the requirement of 37 CFR 1.104(c)(2).

It is submitted that Claims 9 and 12 and their dependent claims are allowable for at least the reasons articulated with respect to claim 1 and claims 2-8.

Claim 12

Mansey fails to disclose “a method of accessing the Internet with an electronic terminal and via an Internet service provider (ISP), said electronic terminal having an associated identifier, said method comprising: initially linking said electronic terminal with an access station via a first communications link; establishing an account at said access station corresponding to said electronic terminal; **transmitting from said access station to said electronic terminal ISP connection information pertaining to said ISP;** **using said connection information to link said electronic terminal with said ISP via a second communications link;** monitoring time units associated with said second communications link **at the ISP;** multiplying said time units by a monetary rate to thereby obtain billing data; and associating said billing data with said established account for billing purposes.”

In Mansey, there is no indication that ISP connection information pertaining to said ISP is transmitted from the IP 14. On the contrary, Mansey is not at all concerned with an ISP role in the method for real-time monitoring of charges for using a communication network service. Although Mansey discloses providing services (Mansey, 2: 1-20), Mansey does not describe services provided by an ISP, a company which provides access to the Internet. For example, Mansey discloses that his method has particular application to telephone conference call services

(Mansey, 2: 32-33), where a service provider may be a telephone service provider rather than an ISP. Therefore, where, for example a telephone conference call services are provided by a telephone conference call service, there is no meaningful reason for an ISP for “monitoring time units associated with said second communications link **at the ISP**” as required by claim 19.

Because not every element of claim 12 is present in Mansey, it is submitted that claim 12 and its dependent claims are patentable and should be allowed.

Claim 19

Mansey fails to disclose “a method of accessing the Internet with an electronic terminal and via an Internet service provider (ISP), said electronic terminal having an associated identifier, said method comprising: initially linking said electronic terminal with an access station via a first communications link; establishing an account at said access station corresponding to said electronic terminal; transmitting from said access station to said electronic terminal **ISP connection information pertaining to said ISP**; using said connection information to link said electronic terminal with said ISP via a second communications link; and **associating billing data with said established account at said ISP for billing purposes**” as required by claim 19. In Mansey, there is no indication that ISP connection information pertaining to said ISP is transmitted from the IP 14. On the contrary, Mansey is not at all concerned with an ISP role in the method for real-time monitoring of charges for using a communication network service. Although Mansey discloses providing services (Mansey, 2: 1-20), Mansey does not teach services provided by an ISP. For example, Mansey discloses that his method has particular application to telephone conference call services (Mansey, 2: 32-33), where a service provider may be a telephone service provider rather than an ISP. Therefore, where, for example, telephone conference call services are provided by a telephone conference call service, the “**associating billing data with said established account at said ISP for billing purposes**” requirement of claim 19 cannot be met.

Because not every element of claim 19 is present in Mansey, it is submitted that claim 19 and its dependent claims are patentable and should be allowed.

Having tendered the above remarks, Applicants respectfully submit that all rejections have been addressed and that the claims are now in a condition for allowance, which is earnestly solicited.

If there are any additional charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,
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